

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

Tyrone P. Henry

Case No.

5:24 MJ-478 (TWD)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of September 20, 2024 in the county of Oneida in the Northern District of New York the defendant(s) violated:

Code Section
Title 18, U.S.C., Section 1361
(misdemeanor)

Offense Description
Depredation of Federal Property.

This criminal complaint is based on these facts:
See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Andrew Urbacz, Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: October 23, 2024

Judge's signature

City and State: Syracuse, New York

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF NEW YORK

UNITED STATES

v.

TYRONE P. HENRY

Defendant.

Case No.

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT**

I, Andrew Urbaez, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint (misdemeanor) charging Tyrone P. Henry, the defendant, with violating Title 18, United States Code, Section 1361 (misdemeanor), Depredation of Federal Property.
2. I am a Special Agent with the Federal Protective Service. I have attended the Federal Law Enforcement Training Center (FLETC), located in Glynco, Georgia, where I was enrolled in, and successfully completed, both the Criminal Investigator Training Program (CITP) and Uniformed Police Training Program (UPTP). I completed training and became a Uniformed Federal Protective Service Officer on September 19, 2019. I became a Special Agent on November 4, 2022.
3. Pursuant to the Homeland Security Act of 2002, I am an investigative, or law enforcement officer of the United States within the meaning of Title 40, United States Code, Section 1315, that is, an officer of the United States who is empowered by law to conduct investigations of and make arrests for the offenses enumerated in Title 18, United States Code.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe Tyrone P. HENRY has willfully violated Title 18, United States Code, Section 1361 (misdemeanor) by causing extensive damage to a window and door at the Alexander Pirnie Federal building in Utica, New York by ramming a shopping cart against these surfaces requiring their replacement and/or repair.

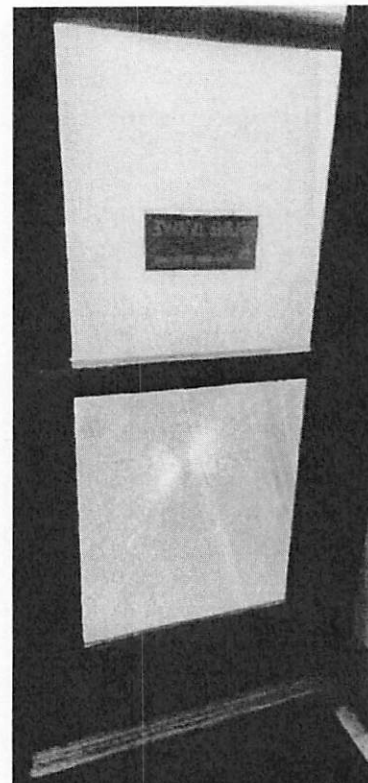
PROBABLE CAUSE

6. On or about September 20, 2024, at approximately 5:25 a.m., an individual ("SUBJECT") walked on to federal property at the Alexander Pirnie Federal Building in Utica, New York with a shopping cart and depredated the southwest rear employee entrance door and window.

7. This building is the property of the United States. It is administered by the General Services Administration (GSA), an agency of the United States established in 1949 to help manage and support the basic functioning of federal agencies. The General Services Administration (GSA) is an agency of the United States, as defined in Title 18, United States Code, Section 6. The building houses the United States District Court for the Northern District of New York, United States Bankruptcy Court, the Social Security administration, United States Probation, the United States Attorney's Office, the United States Marshals Service, and the Internal Revenue Service.

8. Video surveillance footage gathered from the Utica Federal Building shows SUBJECT wearing a long sleeve light colored shirt, red colored pants, white shoes, and pushing a shopping cart.

9. Surveillance footage further shows SUBJECT forcefully push the shopping cart toward the building causing it to crash into the southwest rear entrance door. SUBJECT then appears to pick up the shopping cart and forcefully slam it against the door. SUBJECT appears to pick up the shopping cart for the second time and forcefully throw it at the door. SUBJECT then appears to exit federal property leaving the shopping cart behind. The defendant's willful actions injured and acted as a depredation of federal property. Some of the damage is depicted below:



10. Based on my communication with a federal employee who oversaw the restoration of the southwest rear employee entrance door following the above incident, I know that significant costs have been and will be incurred to replace or repair the damage caused by the defendant on September 20, 2024.

IDENTIFICATION OF TYRONE HENRY

11. Based on my review of the FPS Law Enforcement Information Management System (LEIMS), I have learned the following:

12. A search of SUBJECT's name in LEIMS revealed Tyrone P. HENRY has a history of depredating the Alexander Pirnie Federal Building. The above incident is the fourth recent incident involving Tyrone P. HENRY and the Federal Building. In each instance, Tyrone P. HENRY was positively identified as the person causing the damage to the Alexander Pirnie Federal Building.

13. On or about September 20, 2024—that is, the same day of the above-mentioned depredation—the Utica Police Department responded, arrested, and transported SUBJECT to Utica Police Headquarters for processing. SUBJECT was identified as Tyrone P. HENRY.¹ Additionally, the Protective Security Officer (PSO), who was working at the Alexander Pirnie Federal Building during the time of the incident, stated, in substance and part, Tyrone P. HENRY is the same person who has a history of destroying government property at the building.

¹ Upon information and belief, this case was later dismissed by the Oneida County District Attorney's Office because of the exclusive nature of federal geographic jurisdiction at the Alexander Pirnie Federal Building. The instant federal complaint alleges that same conduct as a violation of 18 U.S.C. § 1361 (misdemeanor).

14. On or about June 20, 2023, Tyrone P. HENRY threw a hardened rock-like object at a first-floor window, located on the south side of the Alexander Pirnie Federal Building. After throwing the rock-like object, which appeared to cause no damage, Tyrone P. HENRY picked up a larger rock like object, which turned out to be a piece of asphalt, and walked back towards the window and threw it at the window causing it to shatter in a spider web like pattern. SUBJECT was identified as Tyrone P. HENRY and issued a U.S. District Court Violation Notice in violation of 41 CFR 102-74.38(b)(e) with a mandatory court appearance.

15. On October 3, 2023, SUBJECT was taken into custody on a warrant for the 41 CFR Violation Notice and transported to the U.S. Courthouse in Syracuse for his appearance. After consultation with his court appointed attorney, Tyrone P. HENRY pled guilty to violation of 41 CFR 102-74.380(b)- willfully destroying or damaging property & (e) - throwing articles of any from or at a building. He was sentenced to serve 30-days of unsupervised probation.

16. On or about June 14, 2023, SUBJECT became disorderly when visiting the Social Security office located inside the Alexander Pirnie Federal Building. The Utica Police Department responded and arrested SUBJECT for Disorderly Conduct. Through processing, SUBJECT was identified as Tyrone P. HENRY.

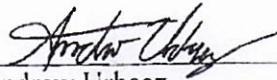
17. On or about June 11, 2023, Tyrone P. HENRY became agitated and began to rip flowers from the planter around the water fountain located on the north side of the Alexander Pirnie Federal Building. The Utica Police Department responded and arrested Tyrone P. HENRY for Criminal Mischief: Intent to Damage Property and Criminal Tampering – 3rd Degree. Through processing, SUBJECT was identified as Tyrone P. HENRY.

18. Upon information and belief, Tyrone P. HENRY is believed to be homeless, with no fixed abode or address.

CONCLUSION


19. In light of the foregoing, I respectfully submit there is probable cause to believe Tyrone P. HENRY, the defendant, has violated Title 18, United States Code, Section 1361 (misdemeanor) for his willful depredation of federal property at the Alexander Pirnie Federal Building on September 20, 2024, as described above. I respectfully request the Court authorize the filing of this complaint and issue an arrest warrant so that the defendant may be brought to court for further proceedings in accordance with the law.

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE



Andrew Urbaez
Special Agent
Federal Protective Service

I, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on the 22nd day of 2024 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Hon. Thérèse Wiley Dancks
United States Magistrate Judge